

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor :	Mark G. Romo et al.	
Appln. No. :	10/784,107	Confirmation No.: 6918
Filed :	February 20, 2004	Group Art Unit: 2874
For :	COMPENSATED VARIABLE OPTICAL ATTENUATOR	Examiner: Sara U. Song
Docket No.:	R11.12-0837	

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**FILED ELECTRONICALLY**  
**September 2, 2008**

The patents or publications listed on the enclosed PTO Form-1449 are submitted pursuant to 37 C.F.R. § 1.97. Copies of the patents or publications cited are enclosed, except as waived by the Official Gazette notice of August 5, 2003 regarding copies of U.S. Patents and Published Applications.

**TIME OF FILING**

An information disclosure statement is being filed by the applicant within any one of the following time periods:

1. ☐ 1. Within three month of the filing date of a national application other that a Continued Prosecution Application (CPA);
  2. Within three months of the date of entry of the National Stage international application;
  3. Before the mailing date of a first Office Action on the merits, or
  4. Before the mailing of a first Office Action after the filing of a Request for Continue Examination (RCE).
2. ☐ after the time period specified in paragraph 1 above, but before the mailing date of a final

action under 37 C.F.R. § 1.113 or notice of allowance under 37 C.F.R. § 1.311.

Therefore, in accordance with 37 C.F.R. § 1.97(c), submitted herewith is:

(check either A or B below)

- A. ☐ a statement as specified in 37 C.F.R. § 1.97(e).
- B. ☐ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c).

3. X after the mailing date of either a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before payment of the issue fee. Therefore, Applicant petitions for consideration and submits herewith:

- A. a statement as specified in 37 C.F.R. § 1.97(e); and
- B. the petition fee set forth in 37 C.F.R. § 1.17(p).

#### STATEMENT

(only used if No. 2(A) or No. 3 above is checked)

The person(s) signing below certify

(check appropriate paragraph)

- X that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(1).

OR

- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. § 1.97(e)(2).

**METHOD OF PAYMENT**


☐ No fee is required.

☒ Attached is a check in the amount of \$ 180.00.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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